



Wylie City Council

Minutes

Wylie City Council Meeting

Tuesday, March 22, 2011 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:00 p.m. with the following Wylie City Council members present: Mayor pro tem Red Byboth, Councilwoman Kathy Spillyards, Councilman Carter Porter, Councilman Rick White, Councilman David Goss, and Councilman Bennie Jones.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Planning Director, Renae' Ollie; Fire Chief, Randy Corbin; Police Chief, John Duscio; WEDC Executive Director, Sam Satterwhite; Finance Director, Linda Bantz; City Engineer, Chris Holsted; Building Official, Mike McAnnally; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Warner Washington, Deacon for Our Lady of the Lakes Catholic Church gave the invocation and Troop 78 of Wylie presented the colors and led the Pledge of Allegiance. Scouts in attendance included: Gavin Pugh, Tanner Gowing, Austin Byboth, Cailin Stewart, Matthew Still, Danny Fox, Nicholas Mormile, Ryan Still and Dan Barnhary. Pack leader Roger Barnhart was also in attendance.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

Former Mayor **Jim Swartz** (506 W. Jefferson, Wylie) representing WASA, Inc. informed the council that Joey Riley would be performing April 14, 2011 at the First Baptist Church Events Center. Proceeds will go to support the new senior center to be located in the old library location. They asked those in attendance to purchase tickets and attend the event.

Al White (1226 Cedar Branch, Wylie) addressed council in support of the football league games

scheduled for the fall season.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Consider, and act upon, approval of the Minutes of the March 8, 2011 Regular Meeting of the Wylie City Council and the Minutes of the March 15, 2011 Work Session Meeting.** *(C. Ehrlich, City Secretary)*
- B. **Consider and place on file the City of Wylie Monthly Investment Report for February 28, 2011.** *(L. Bantz, Finance Director)*
- C. **Consider and place on file, the Monthly Revenue and Expense Report for the City of Wylie as of February 28, 2011.** *(L. Bantz, Finance Director)*
- D. **Consider and place on file, the Monthly Revenue and Expense Report for the Wylie Economic Development Corporation as of February 28, 2011.** *(S. Satterwhite, Executive Director WEDC)*
- E. **Consider, and act upon, Resolution No. 2011-06(R) authorizing the appointment of Terry Douglas as Associate Municipal Court Judge for the City of Wylie effective April 1, 2011, setting terms and stipend of service.** *(L. Bantz, Finance Director)*
- F. **Consider and act upon Jeanette's Dancers Relay for Life Team vendor registration to sell crafts and baked goods at the Bart Peddicord Community Center on April 16, 2011 to fundraise for their team.** *(R. Diaz, Recreation Supervisor)*

Council Action

A motion was made by Councilman White, seconded by Councilman Porter to approve the consent agenda as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

Public Hearings

- 1. **Consider, and act upon, Resolution No. 2011-07(R) authorizing the appointment of Don High as Municipal Prosecutor for the City of Wylie effective April 1, 2011, setting terms and stipend of service.** *(L. Bantz, Finance Director)*

Staff Comments

Finance Director Bantz addressed council stating that the current two year term of the City of Wylie Municipal Prosecutor expires March 31, 2011 and is renewable for a subsequent two (2) year term. She noted that if reappointment was approved the term would become effective April 1, 2011 through March 31, 2013 and could be renewed for subsequent two (2) year terms.

Bantz reported that compensation for services provided by the Municipal Prosecutor is at an hourly rate of \$125.00, with time billable in units of one-tenth hour each. This reflects an increase in his hourly rate of \$10.00 per hour. Prosecutor Don High has not had an increase since prior to 2007 and has served the City for almost sixteen years. Bantz noted that a budget amendment will be forthcoming at midyear to provide the additional funding.

Council Action

A motion was made by Councilwoman Spillyards, seconded by Councilman Goss to adopt Resolution No. 2011-07(R) authorizing the appointment of Don High as Municipal Prosecutor for the City of Wylie effective April 1, 2011, setting terms and stipend of service. A vote was taken and the motion passed 7-0.

- 2. Hold a Public Hearing and consider, and act upon, Ordinance No. 2011-10 adopting the Standards of Care for Youth Programs. (R. Diaz, Recreation Supervisor)**

Staff Discussion

Recreation Supervisor Diaz addressed council stating that since the inception of the summer youth programs in 2000, the Standards of Care have been reviewed yearly and adopted as an ordinance in order to comply with the Texas Human Resources Code, Section 42.041 (b) (14). Diaz explained that this year a camp review was added to the agenda report to update the council on activities from last year.

Public Hearing

Mayor Hogue opened the public hearing regarding Standards of Care for Youth Programs at 6:13 p.m. asking anyone present wishing to address council to come forward and limit their comments to 3 minutes.

No one came forward to address council during this public hearing.

Mayor Hogue closed the public hearing at 6:13 p.m.

Council Action

A motion was made by Councilman White seconded by Councilman Jones to approve Ordinance 2011-10 adopting the Standards of Care for Youth Programs. A vote was taken and the motion passed 7-0.

- 3. Hold a Public Hearing and consider, and act upon, an amendment to PD 2007-14 to modify existing restrictions and remove Property Owners Association, generally located east of Regency Drive and north of Steel Road. ZC 2011-03 (R. Ollie, Planning Director)**

Staff Comments

Planning Director Ollie addressed council stating that the subject tract was part of a Planned Development adopted on May 22, 2007 to create a viable office-showroom/warehouse development to accommodate the growing demand for flexible facilities designed to support the light manufacturing/assembling & hi-tech industry. However, with the unfortunate downturn in the economy the business campus has sat vacant for several years, with the exception of two buildings which were constructed and occupied in 2008.

The remaining eight (8) lots were purchased in May of 2010 by American National Bank and are now under contract with Arborilogical Services, Inc. (Applicant). Arborilogical owns the lot immediately east of the subject property and has been operating there over 26 years, and their growth requires expansion. Lot 10, also a part of the subject rezoning request is owned and operated by Sheffield Electronic Industry. Lot 8 was purchased by Regions Bank in June 2010 and is now under contract with VS Rhinestone Designs.

The surrounding uses include existing mini-warehouses to the north, heavy manufacturing/fabrication to the west and contractor's maintenance yards & heavy equipment & repair facility to the south and east. The Comprehensive Land Use Plan recommends Light Industrial zoning on the subject property as well as abutting properties. This request is consistent with the Land Use Plan.

Public Hearing

Mayor Hogue opened the public hearing regarding Zoning Case 2011-03 at 6:18 p.m. asking anyone present wishing to address council to come forward and limit their comments to 3 minutes.

No one came forward to address council during this public hearing.

Mayor Hogue closed the public hearing at 6; 18 p.m.

Council Action

A motion was made by Councilman Porter, seconded by Councilman White to approve an amendment to PD 2007-14 to modify existing restrictions and remove Property Owners Association, generally located east of Regency Drive and north of Steel Road. (ZC 2011-03) A vote was taken and the motion passed 7-0.

General Business

- 4. Consider, and act upon, Resolution No. 2011-08(R) authorizing the City Manager to execute an Interlocal Agreement by and between the City of Rockwall and the City of Wylie for Mutual Aid. (R. Corbin, Fire Chief)**

Staff Comments

Fire Chief Corbin addressed council stating that the Cities recognize the vulnerability of the people and communities located in our area to damage, injury, and loss of life and property resulting from disasters and/or civil emergencies that may result in the lack of personnel and/or equipment beyond an individual city's capabilities. The City of Rockwall and staff of the City of Wylie request entry into a mutual aid agreement between the two entities which would allow for better coordination of effort, providing adequate equipment and manpower and would help ensure that mutual aid is accomplished in the minimum time possible in the event of a disaster or civil emergency.

Council Action

A motion was made by Councilman White, seconded by Councilman Porter to adopt Resolution No. 2011-08(R) authorizing the City Manager to execute an Interlocal Agreement by and between the City of Rockwall and the City of Wylie for Mutual Aid. A vote was taken and the motion passed 7-0.

READING OF ORDINANCES

Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.

City Secretary Ehrlich read the caption to Ordinance No. 2011-10 into the official record.

Mayor Hogue announced that the Executive Session for §§ 551.071 – Consultation with Attorney, Re: Receive legal advice regarding the Development Agreement by and between the City and Lavon Partners, L.P. would be postponed to a later date. Additionally no action would be taken on Item #5 but could come back on a future agenda.

Mayor Hogue convened into Executive Session announcing the below caption at 6:30 p.m.

§§ 551.087 - Economic Development Negotiations (SB1851)

- **Greenway Investment Company; and**
- **Ascend Custom Extrusion**

EXECUTIVE SESSION

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

§§ 551.071 – Consultation with Attorney

Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding: *(M. Manson, City Manager)*

- **Receive legal advice regarding the Development Agreement by and between the City and Lavon Partners, L.P.**

§§ 551.087 - Economic Development Negotiations (SB1851)

Economic Development negotiations between the City of Wylie, Wylie Economic Development Corporation, and: *(S. Satterwhite, Executive Director WEDC)*

- **Greenway Investment Company; and**
- **Ascend Custom Extrusion**

Mayor Hogue reconvened into Regular Session at 7:45 p.m.

RECONVENE INTO REGULAR SESSION

General Business

5. Consider and act upon authorizing the City Manager to execute a Development Agreement by and between the City of Wylie and Lavon Partners, L.P. (*M. Manson, City Manager*)

No Council action was taken on this item.

Mayor Hogue convened into Work Session at 7:50 p.m.

WORK SESSION

- Presentation by Community Park Improvements design firm, Teague Nall and Perkins, Inc., to summarize the current status of the project design work and to solicit Council input prior to bidding the project. (*M. Sferra, Public Works Director*)

Public Services Director Sferra addressed council stating that this work session was an update from staff to summarize the current status of the design work and proposed bid package and to solicit any additional council input prior to bidding the project. He explained that staff is bringing this item forward now so that if permission is granted to solicit bids, construction can begin after the spring sports season as per the anticipated schedule which included: Authorization to bid – March 22; Park Board reviews bid tabulation and makes recommendations on add alternate items, April 25th; council considers award of a construction contract, May 10th; Construction begins, June 13th.

He explained that on April 28, 2009 the City Council chose Teague Nall and Perkins to design the Community Park Improvement project. On November 10, 2009 the City Council authorized the City Manager to enter into a contract with the firm in the amount of \$52,500 for field design survey, preparation of conceptual exhibits and participation in public meetings related to the project. On March 9, 2010 City Council approved a professional services contract to TNP in the amount of \$243,000 for the design of community park Improvements.

Since that time, City staff and the Parks Board have met with the firm on numerous occasions regarding the project design, budget, base bid and add alternate items. Stakeholders, such as the athletic leagues that use the park have contributed their input during these meetings.

On March 7, 2011, the Park Board agreed on a recommendation to the City Council regarding the elements that should be in the initial bid package. The consensus was to structure a base bid package that contains the most essential elements and to list a variety of other elements, which are also important, as add alternates. Public Services Director Sferra explained the base bid and add alternates recommended and noted that the bids once received could come in much lower allowing for alternates to be added. Those costs were as follows:

The estimated **base bid** package totals \$1,120,340 and includes:

- General project costs
- 100% of trail replacement
- 100% finish-out on Eldridge, Rowell and Tibbals fields
- Grading, drainage, fences and topsoil on Cooper field
- Utilities
- Electrical conduit

Items considered as the **add alternates** include:

- Musco Infield Lighting - \$250,000
- Musco Outfield Lighting - \$200,000
- Any Parking – Min. \$279,300
- Concession Stand / Restrooms:
 - As Designed - \$334,000
 - Alternate design: 14'x24' Bldg., One fixture each - \$57,500
 - Alternate design: 24'x36' Bldg., Two fixtures each - \$120,000
- Football Improvements - \$45,000
- New Bleachers with Shade Structures - \$80,000

Public Services Director Sferra asked direction from Council regarding the bid package and solicitation of bids for the project. There was no direction given by council regarding the proposed base bid and alternates included in the bid proposal.

Council/Public Comments

Several sports league representatives were present and addressed their concerns regarding the fall playing season with the improvements that will be taking place at Community Park. The softball and football organizations asked if alternate fields at Founder's Park could be shared for the fall season.

Mayor Hogue stated City Council and staff had never discussed cancelling the fall season for any of the sports played at the parks. He suggested all sports leagues meet with Parks and Recreation staff and come to a consensus of where and when each organization will practice and play during the downtime for improvements at Community Park. Public Services Director Sferra stated that he would plan a meeting with the associations in the next couple of weeks and would look at alternative playing fields used by other entities that might be available for practice and play during the fall season.

Recreation Supervisor Diaz commented there were possibilities for other grass fields that could be used in the short term while renovations to Community Park are underway. Staff would research those possibilities.

Direction from council was to move forward with the bid packet as presented.

- **Police Department Annual Overview.** (*J. Duscio, Chief of Police*)

Police Chief Duscio gave a short overview of the Wylie Police Department. He reported staffing for patrol current was 4 officers per shift. He noted recommended staffing was 5-6 officers per shift. Chief Duscio reviewed the procedures for CID investigations and how those investigations are prioritized. Other areas reported by Chief Duscio included School Resource Officers, Records Division, and SWAT.

ADJOURNMENT

With no further business before the Wylie City Council, a motion was made by Councilman Goss, seconded by Councilman Jones to adjourn the meeting at 9:35 p.m. A vote was taken and the motion passed unanimously.

ATTEST:


Eric Hogue, Mayor


Carole Ehrlich, City Secretary

